

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
BRIEF &
APPENDIX**

76-1293

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
Docket No. 76-1293

B
P/S

UNITED STATES OF AMERICA,
Appellee,

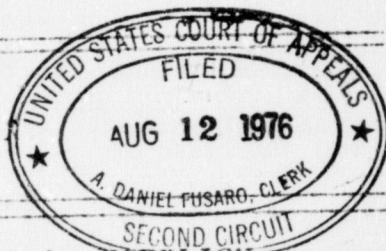
-against-

ALGIS GALE,

Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
OF ORDER DENYING MOTION FOR AN
ORDER GRANTING DEFENDANT A NEW TRIAL

APPELLANT'S APPENDIX
AND BRIEF



HAROLD L. GOERLICH
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380 North Broadway
Jericho, New York 11753

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76-1293

To be argued by
HAROLD L. GOERLICH

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

DOCKET NO. 75-1405

UNITED STATES OF AMERICA,

Appellee,

-against-

ALGIS GALE,

Defendant-Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

BRIEF FOR DEFENDANT-APPELLANT

HAROLD L. GOERLICH
Attorney for Defendant-Appellant
530 North Broadway
Jericho, New York 11753
921-2200

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UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----x
UNITED STATES OF AMERICA,

Appellee,

-against-

DOCKET NO. 75-1405

ALGIS GALL,

Appellant.
-----x

Preliminary Statement

This is an appeal from judgment rendered on November 7, 1975, convicting the appellant after a trial by jury of all three counts of an indictment charging that the defendant, did knowingly and wilfully make a false fictitious and fraudulent statement as to a material fact in a matter within the jurisdiction of the Veterans Administration and Federal Housing Authority. (18 U.S.C., sections 1001, 1010 and 2). The appellant was sentenced to a term of two years on each count, sentences on counts 3 and 4 to run concurrently with sentence imposed on count 2, count 1 of the indictment being dismissed. (Dramwell, H., Trial and Sentence). The appellant is presently at liberty on bail pending appeal.

This is a motion for a new trial based on new evidence.

STATEMENT OF FACTS

The Indictment

In an Indictment filed on July 3, 1974, the appellant Algis Gale was charged in four counts, the first count alleging that a mortgage applicant, Rudman, while purchasing the premises did not intend to live in said premises; second count in that the appellant knew the mortgage applicant, Muskelly, was not employed as stated in the mortgage application; count three that the appellant, Algis Gale, knew that the mortgage applicant Cuevas, was not employed as stated in the mortgage application; and count four that the appellant, Algis Gale, knew that the mortgage applicant, Jackson, was not employed as stated in the mortgage application, all in violation of T-18, U.S.C. Sections 1001, 1010 and 2.

The Evidence at the Trial

William Gorman, employed by the Federal Housing Authority in New York (T 18)*, identified FHA folder No. 373 169702 (T 21), identified as belonging to Guillermo Cuevas (T 22) and stated that he was the one who now makes the final evaluation of the said folder and stated that the applicant, Cuevas, employment verification was sent by mail to the applicant's employer who completed it and sent it back to his office at the Federal Housing Authority (T 23), and that a favorable report was received in the file. He further stated that the commitment was received from the Bedford Stuyvesant Restoration Corp (T 33). He further identified FHA folder No. 373169699 regarding an application by Jackson (T 34). He further stated that both applications could only come from approved lenders, one being the Delta Capitol Corporation and the other being the Bedford-Stuyvesant Restoration Corporation (T 44) and that the credit reports were obtained from the licensed lenders, Delta Capitol Corporation and Bedford-Stuyvesant Restoration Corporation, who he relied on (T 45). That the Federal Housing Authority could not deal with anyone else but licensed lenders. He further stated

* T - Refers to Minutes of Trial.

the first time he saw either folder was the day before he testified (T 55). Mr. Gorman further stated (T 57) that only a licensed lender could obtain verification of employment forms. Mr. Starkey testified that he was employed by the Veterans Administration (T64-65) as a Chief Loan Processor and identified VA case no. 495 (T 69) regarding one Muskelly and that Muskelly's application was sponsored by Public Equities (T 70). He stated that he only reviewed the instant file the day before (T 80), and that the lender is required to obtain a credit report from a bonifide credit report agency and supply it with the application (T 81) and that he made spot checks as a back up, and that no forms are supplied to any lawyers, real estate brokers or other ones except lenders (T 83). That the lender in this case file was Mid-Island Equities Corp. (T 86) and that Public Equities obtained a credit report.* Cuevas testified that he worked for Evergreen Motors (T 95-96) and that he never was employed by Los Antillos Motors. He identified his signature on FIA form number 2900, mortgage application (T 103) and on form number 20046 verification of employment and on the application and commitment form as well. He went to the closing (T 107) and that he went to United Institutional Servicing

* The government introduced the three folders into evidence.

Corporation for the closing (T 128). Cuevas was temporarily excused and Molivos testified as to bank deposit accounts. Cuevas stated he was never served with any papers regarding property he purchased but he admitted that he had signed the document in that proceeding*. He admitted he had a lawyer at the closing by the name of Arnold Bruno (T 162). A Mrs. Malaret (T 200) testified as to a lease on the Cuevas property as did a Mrs. Bony (T 205). A Mrs. Mathis then testified that she had a dressmaking place for 5 years and that she verified the employment record of Muskelly (T 219) and that she did it on the request of her former husband and that she had never met the defendant-appellant (T 224) and did not know him. Her husband, Frank Mathis, testified that he located the applicant Muskelly (T 230) and that he went to a closing which he wasn't sure but he believed to be United Institutional Servicing Corporation (T 232) in Hempstead; that the name Surratt was his first cousin (T 238) and that he asked his wife for employment verification (T 239). He also said the defendant was known by the name of Norman Ushkow (T 243). Norman Ushkow testified as a witness subsequently. Mr. Cuoco testified as to bank accounts of Muskelly

* Defendant produced court exhibits from the New York State Supreme Court.

(T 254-259). A Bessie Muskelly testified as the mother of applicant, Muskelly, (T 272) and stated that he was ill in the hospital and that she did not know whether he was employed by Florence Fashions (T 275) or that her son knew Frank Mathis (T 276). A Sylvester Rowe testified that at the closing he represented Muskelly and that the defendant, Jack Mayer, Stahlberg and a lawyer were present (T 279), and that he signed Muskelly's name at the closing (T 281) and that he was promised no money to go to the closing (T 286). Mr. Lacina testified as an agent of the Federal Bureau of Investigation regarding handwriting samples*. A Mr. Avignone testified he was from the FBI laboratory in Washington, D.C. and was a qualified expert in the field of questioned documents (T 298); that the handwriting samples were not done in the eight-day delinquency period (T 313). Jackson testified that he signed on the FHA form number 2004 (T 321); that he signed FHA form number 2561 (T 326) and that he signed an affidavit to help get a loan** (T 328). He was shown some other documents which he

* The government produced handwriting samples of Cuevas, Jackson and Muskelly.

** The government produced an affidavit which stated that Jackson intended to get married, reside with his new wife and that's why he wanted to buy the two-family house.

denied he had signed. He denied that he worked for S & S Construction Company (T 327), that he had signed an affidavit for a legal aid lawyer named Yellnick (T341) but did not know how his signature got there (T 342); that he attended Norfolk State College and that he was not in the habit of signing his name without reading the papers. He didn't recall seeing the FHA forms but it was his signature on them (T 349); that he did buy a house recently in his own name (T 358) and that he obtained a VA mortgage. The defense called as its first witness, Diane Adams, who testified that she was the loan processor of the Bedford-Stuyvesant Restoration Corporation and stated from her record that Cuevas had applied for a mortgage with his attorney; that she had sent out verification requests and used Roy Clark Service Agency for verification; that the Algis Gale name was not on her papers, and further that she assigned her file, after a firm commitment, to United Institutional Services Corporation for closing (T 400-410). Government's second witness, Roider, testified that he collected mortgage payments on the Jackson property from former owner Jones who knew of foreclosure. Government's third witness, Devine of Credit Bureau of Greater New York and O'Dweyer of Roy Clark Service Agency both testified that their firms did the credit checks and employers verification on all three

properties - Cuevas, Muskelly and Jackson. Government witness Berius testified that Cuevas worked in Los Antillos Motors in an executive sales position. Nelson testified that Cuevas' file came from United Institutional Services Corporation from Lowell Weinerman, R & W Associates and that Cuevas had signed both an escrow letter and answer in foreclosure. Martines and Gomez stated they saw Cuevas sell cars at Los Antillos Motors. Silverman, the attorney for United Institutional Servicing Corporation testified that all their forms of the lending institution were strictly complied with. Levinson, the foreclosure attorney for United Institutional Servicing Corporation said Cuevas interposed an answer in foreclosure*. Cardillo and Martinez said they saw Jackson at the office of S & S Construction Company and at the Jamaica office of Gale. Gordon, bookkeeper, said he kept books and records of S & S Construction Company and that Jackson was listed in the books as an employer**. Gomez also stated he met Mathis and Muskelly and bought and now owns Muskelly's house. Penahan stated he was associated with Public Equities Corporation and

* Court papers of Kings County Supreme Court introduced into evidence.

** Ledger book introduced into evidence by defendant.

that the Muskelly file was assigned to Mid-Island Equities Corporation for further processing. Buscemi, an attorney who closed the Muskelly property stated he checked identification of purchaser thoroughly. Mayer, the seller of the Muskelly property attended closings with Muskelly and his lawyer.

For identification: In the three Counts, the properties subject to application are located in Brooklyn at:

Guillermo Cuevas - 719A Quincy Street
Otha Wray Muskelly - 668 Falsey Street
Charles Jackson, Jr. - 183 Covert Street

The Defense

The appellant, Gale, rested after defense witnesses at the close of the case. The appellant, Gale, supplied defense witnesses to show that he was not the party involved in any manner or form with the possession, processing, signing or filling out of any application forms or verification forms.

ARGUMENT

Point 1

Appellant should be granted a new trial based on the affidavits of evidence which if had been heard at the trial would have materially affected the decision and verdict of the jury and resulted in a verdict of not-guilty.

Appellant calls the Courts attention to these affidavits in the appendix which have been presented to this Court to show testimony which is not only material but definitely adverse to testimony elicited during trial. This information did not and could not come to the attention of the Judge and Jury during the trial since many of the affidavits were made by government witnesses which could not be tested to until the conclusion of the case. Many of the other affidavits which for personal reasons of the parties could or would not testify at the trial in this matter but had they come forth or had the defendant been able to locate them and subpoena them in, the verdict as rendered by the Jury would be substantially different and the defendant would have been found not-guilty.

It, therefore, appears that through these affidavits the two main government witnesses, Oscar Cuevas and Frank Mathis, would definitely appear to have lied or deliberately misstated facts at the trial.

A paramount issue was the questions of whether Oscar Cuevas was employed as stated in the loan application. Certainly,

all these witnesses in their statements attached hereto in the appendix would indicate most strongly that Oscar Cuevas was employed and that he lied for his own personal needs. The same argument could be had on behalf of the government's other prime witness, Frank Mathis. He too for personal needs and to cover facts which he did not wish to be elicited but obviously according to the affidavit submitted herewith has lied or deliberately misstated facts when he testified.

Most important is the fact that many of the affidavits attached herewith are submitted by government witnesses who not now are under the influence of the prosecutor or the influence of the trial. They are now free to make statements in their own simple yet important way.

Most important again are the two other government witnesses, Charles and Helen Jackson, who now come forth with affidavits to explain their testimony at trial.

Therefore, it is respectfully requested under Rule 33 of Criminal Procedure that in view of the new evidence as adduced by the affidavits in the appendix, that the defendant should be granted this application for a new trial.

CONCLUSION

The motion should be granted for a new trial.

Dated: August 10, 1976

Respectfully submitted,

HAROLD L. GOERLICH
Attorney for Defendant-Appellant
380 North Broadway
Jericho, New York 11753

76-1293

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

Docket No. 76-1293

UNITED STATES OF AMERICA,

Appellee,

-against-

ALGIS GALE,

Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF NEW YORK

OF ORDER DENYING MOTION FOR AN

ORDER GRANTING DEFENDANT A NEW TRIAL

APPELLANT'S APPENDIX

HAROLD L. GOERLICH
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380 North Broadway
Jericho, New York 11753

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DOCKET ENTRIES

1. Motion made and served for May 14, 1976
2. Motion denied by Hon. Henry Bramwell on June 7, 1976
3. Notice of appeal filed June 16, 1976

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----x
UNITED STATES OF AMERICA,

-against-

CR NO. 74-466

AFFIDAVIT

ALGIS GALE,

Defendant.

-----x
STATE OF NEW YORK)
) SS:
COUNTY OF NASSAU)

ALGIS GALE, being duly sworn, deposes and says:

That he is the defendant in the above entitled case and respectfully requests that this Court grant him a new trial based upon newly discovered evidence, which is disclosed by the affidavits on file with this Court, of:

(1) James O. Clark who stated he is a long time friend of government witness , Charles Jackson, Jr., and that he and Charles Jackson, Jr. worked together at 719A Quincy Street in Brooklyn, N.Y. and that Charles Jackson, Jr. told him that he was going to buy another building on Covert Street and that Charles Jackson, Jr. boasted that he was making over \$250.00 per week;

(2) John Anderson that he knew government witness Charles Jackson, Jr. and that he knew Mr. Jackson made over \$200.00 per week from Mr. Schneider, and further that he had heard Frank Mathis, another government witness, make a statement that he was going to "get Gale" even if he had to lie to the authorities to do it;

(3) Affidavit of Algis Gale, sworn to the 22nd day of September, 1975.

(4) James Stewart who worked as a security guard with government witness, Oscar Cuevas, who stated Cuevas made trips to Puerto Rico and was paid by Irving Soto or Nelson Criado and that Cuevas was considered an export specialist and that if government witness, Oscar Cuevas, pictured himself as a poor car washer that he was lying and that Cuevas worked for Las Antillas Motors, and that Cuevas was a lady's man, and that he worked directly under Cuevas;

(5) Sheldon Schneider who states he does not want to see an innocent man convicted of crimes that he feels he did not participate in; that he was the owner of S & S contracting Company and that he employed Charles Jackson, Jr., a government witness, and that he gave him employment verifications when he attempted to buy other houses and that Charles Jackson Jr. worked for him for three (3) years and earned from \$10,000 to \$12,000 a year and that he also used the name Adam Taylor because of marital troubles;

(6) Collins Smith who states that he worked at Las Antillas Motors and that government witness, Oscar Cuevas, talked to him about buying houses without Cuevas' wife being present, and that Cuevas bragged that he earned over \$200.00 per week but never filed taxes, and that Cuevas knew Frank Mathis, another government witness;

(7) Irving Soto, who states that he was part-owner and managing director of Las Antillas Motors; that he employed Collins Smith, John Drake, Jimmy Stewart and Oscar Cuevas; that he employed government witness, Oscar Cuevas, as a salesman and a reconditioner of cars for Puerto Rico and that Cuevas had a salary or "draw" from \$100.00 per week in 1969 to \$250.00 per week in 1972, and that his partner rented a house to Oscar Cuevas at 68 DeSalles Place in Brooklyn rent-free so that he could check on the watchmen who were the security guards for both Las Antillas Motors and Evergreen Motors; that he fired Cuevas after he had complaints from people in Puerto Rico;

(8) Sylvester Rowe, a government witness, who states that he knew Frank Mathis and that Frank Mathis was known as "Surratt" on two occasions and also that he knew Mathis knew Muskelly, and that he assisted so that the attorney, Mr. Buscemi, did not become suspicious of the dealings and further that he believed Frank Mathis to be a con-man;

(9) Ruby White, who as the Court recalls was ill at the trial because of her pregnancy and anemia and would like to further her statement that she knew Mr. Schneider and that Charles Jackson, jr. government witness, did come in and collect money from Mr. Schneider and that Frank Mathis, another government witness, was known to her as a collection man for Sidney Grossman who was his boss. Further that she knew Helen Jackson, mother of government witness Charles Jackson, jr., very well;

(10) Charles Jackson, Jr., government witness, admits that he worked for Sheldon Schneider and that he got paid in cash but did not know from what source or corporation the cash came from;

(11) Helen Jackson, mother of government witness Charles Jackson, Jr., who states that her son, Charles Jackson Jr., worked for Mr. Gale, Mr. Grossman, Mr. Ushkow, and that she knew that Frank Mathis lived in a house near her and was known as Edward Surratt, and that she formed a business relationship with Sheldon Schneider and that she and government witness, Charles Jackson, Jr., were in and out of Mr. Schneider's office. She describes and identifies him, and makes the statement as the mother of a main government witness that she believes as busy as defendant, Algis Gale, was, she does not know how he could have controlled the actions of all the parties involved;

A later statement of Helen Jackson that she knew Frank Mathis and that she felt in her talks with Federal Investigator Dennis Lacina that Mr. Lacina had a strong personal bias against defendant, Gale, and that she felt the people involved were money lenders like Mr. Grossman and Mr. Weinerman, who reaped the real profits in the deal, and that she believes that Algis Gale, the defendant, was not involved alone in these dealings but a combination of other forces in people unknown to the government were involved.

I would like to call the Courts attention to the affidavits which have been presented to the court which I will incorporate herein as spread at length which were submitted in a

prior motion being:

(1) Collins Smith, who worked side by side with Guillermo O. Cuevas in Las Antillas Motors and saw him paid weekly in sums exceeding amounts stated in application to Federal Housing Authority;

(2) Johnny Drake, who stated he was involved in a car sale with Guillermo O. Cuevas;

(3) Sylvester Rowe, who stated that there was another person financially interested in Otha Wray Muskelly, Jr.;

(4) Rosita Norma Mindez, who stated she was Guillermo O. Cuevas girlfriend, knew where he worked and attended closings with him;

(5) Phil Powell, who stated he knew Charles Jackson, Jr. and that he worked for S & S Construction Company;

(6) Al Gordon, who stated he discovered that S & S Construction Company had a parent corporation known as S & S Improvement Company (phones and addresses are the same) and thus raised reasonable doubt that Charles Jackson, Jr. could have worked for S & S Improvement Company as well and thereby earn in excess of amount listed in Federal Housing Authority application;

(7) Norman Ushkow, who stated he believes that Frank Mathis was also called Surratt;

(8) Otha Wray Muskelly, Jr. who stated that he was solely responsible for the application and the proceeding that happened subsequent thereafter.

That this information did not and could not come to my attention until after the verdict, and a number of people were either government witnesses or reluctant and hiding witnesses for personal reasons, but who came forth after the verdict because they felt, as the defendant feels, that the verdict is in error and that a new trial should be granted so all these facts can be presented before a jury.

It would appear from the many, many affidavits submitted that the main government witnesses, Oscar Cuevas, and Frank Mathis, would appear to have been lying at the trial. Certainly all these people who knew and saw government witness, Oscar Cuevas, being employed, are not lying, but it is extremely possible that Mr. Cuevas was lying for his own personal needs. That too is a fact regarding Frank Mathis.

I would like to further point out to the Court that many of the affidavits submitted herewith are by government witnesses who now, not being under the pressure of the trial and the influence of the prosecutor, can make statements to explain some facts which I feel are important in the granting of a new trial. Even to the extent that the mother of one of the main government witnesses, Charles Jackson, jr., made two affidavits to fully explain her position and her son's position and that she believes error had been committed.

All in all, with the many exhibits and affidavits, is the firm belief of the defendant that this Court will grant his application for a new trial.

WHEREFORE, deponent respectfully requests a new trial
based on reasonable doubt and recent evidence just discovered.

Algis Gale
ALGIS GALE

Sworn to before me this
11th day of May, 1976.

Bonnie Cain
BONNIE CAIN
Notary Public, State of New York
No. 30-4816400
Qualified in Nassau County
Commission Expires March 30, 1977

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CR. NO. 74-466

UNITED STATES OF AMERICA

-against-

ALGIS GALE

Defendant.

AFFIDAVIT

STATE OF NEW YORK)

SS

COUNTY OF KINGS)

JAMES O. CLARK being duly sworn deposes and says:

That I reside at 1067 Dean Street Brooklyn, New York. That I have been a long time friend and associate of Charles Jackson, Jr. for many years. During the period 1969 until about 1972, Charlie used to handle many smaller type contracting jobs in Brooklyn and Queens. Most of these jobs were obtained either through his parents, especially his mother, Helen, or through his regular boss Shelly Schneider, a one eyed man who always wore a black patch over his one eye and who shared a sort of junk shop type office with Charlie Jackson on Jamaica Avenue near Pennsylvania Avenue in Brooklyn where we would often have to go for supplies. We would often meet a Mario there as well as a Frankie Mathis and several Spanish speaking men who worked along with Charlie Jackson. We did one job together at 719A Quincy St. in Brooklyn where Charles needed me because of my dump truck and my van. He wanted to buy that house and another building in Queens from a Mr. Sid Grossman, but instead he later told me he was going to buy another building on Covert^{St.} as a paid favor for a friend of his mother's, a Mrs. Jones or Smith. He did buy at least a couple of buildings, because he would then send me to do work on them. Charles often boasted that he was making good money, over \$250 per week.

Sworn to before me this 7
Day of September, 1975

X
James O. Clark

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CR. NO. 74-466

UNITED STATES OF AMERICA

-against-

ALGIS GALE

Defendant.

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF QUEENS) SS

JOHN ANDERSON being duly sworn deposes and says:

That I reside at 1625 Rockaway Parkway Brooklyn, New York.

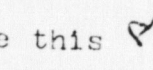
That I have known and been connected with both Charles and Helen Jackson, Charles Jackson Jr., Frank Mathis, Sidney Grossman Lowell Weinerman, and Sheldon Schneider for many years (about 10) and know for a fact that all of these people worked very closely together and knew each other very well. Mr. Schneider or Frank Mathis or Sidney Grossman would pay me and Charles Jackson, Jr. for our work which would consist of rehabilitating houses for people like Sidney Grossman or Lowell Weinerman mostly in Brooklyn and Queens. Some of the houses would be owned by others like Helen Jackson, Norman Ushkow, etc..My work was electrical and I worked under the license of Larry Patterson, even though I had been an electrical technician in my native Panama.

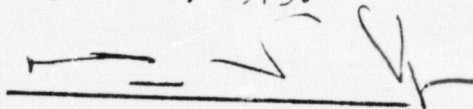
I know for a fact that during the period around 1970-71, Charles Jackson Jr. was earning over \$200.00 per week from Mr. Schneider who I believe was carrying him on his books. Please remember that many payments in this type of business were off the books for a variety of reasons. I myself received almost \$200 per week from Mr. Schneider during this period and I did not have nearly as much work or responsibility.

During one period, around 1972, Frank Mathis who was considered

one of the best "actors" in the business, had a bitter dispute centering around money with one of his associates, Al Gale. At that time Mathis said he was going to "get Gale , even if I have to lie to the authorities to do it." After I read the papers recently, I thought it my duty to step forward and state the facts as I knew them because it looked to me as ^{if} some people like Frank Mathis and Charles Jackson Jr. had been doing some lying. After I had spoken with several of the people who used to work with us and with Jackson Jr., Helen Jackson, Alfred ~~Jackson~~ Armstrong, Alfredo Centeno and others, I am now sure that Mathis has been wringing the towel again just like he used to when he had to pay us for a job, ~~ins~~pite of the fact that he was always financed by Sidney Grossman; Mathis however, always wanted us to submit phony bills for higher amounts than we were actually paid so that he could cheat his associates out of money.

Charles Jackson Jr. was a very pleasant type, but he was always trying to get into business deals without his mother's knowledge because she was always trying to dominate him.

Sworn to before me this 
day of September, 1975.



Notary Public, State of New York
No. 30-1002305
Qualified in Nassau County
Cort. Filed in Kings, Queens &
New York Counties
Commission Expires March 30, 1977

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CR. NO. 74-466

UNITED STATES OF AMERICA

-against-

ALGIS GALE

AFFIDAVIT

-----Defendant.-----

STATE OF NEW YORK)
COUNTY OF KINGS)SS

JAMES STEWART being duly sworn deposes and says:

That I reside at 20 Furman Avenue Brooklyn, New York .

That during the period 1969 until 1972 I worked as a security guard and as an automobile porter and special helper for Las Antillas Motors, Inc. then located at 1605 and at 1606 Bushwick Avenue Brooklyn, N.Y.. During this entire period I worked directly under an Oscar Cuevas a/k/a Calderone who was my manager or boss. Every Saturday morning I was paid by Oscar Cuevas as were the others in my department. When Oscar was away on one of his many trips to Puerto Rico, then I was paid by either Nelson Criado or Irving Soto who were, as far as I knew, the owners of the business. While it is true that Oscar had many functions at the business, he was considered our export specialist and was a very good mechanic and salesman except when his many women friends kept him away from the showroom. Oscar was a very sharp dresser and liked fast cars. He was a thin Indian type fellow with high cheekbones, straight black hair and rather good looking. A Mr. Martinez, a Frank Mathews and others would often see him on the lot with regard to his real estate business and house fixing business in which he was very active when he was in New York although his wife was against it and often expressed her opinion.

If Oscar Cuevas is trying to picture himself as a poor car washer who had no regular employment, then he is lying.

Oscar Cuevas not only worked at Las Antillas Motors during my entire period of employment there, he was, as I have said, my boss and others worked under him as well. One other man I recall in our department was a Jonnie Drake. Another person who worked as a salesman for the firm who was close to Oscar was Collins Smith. The person who actually hired Cuevas to work for Las Antillas Motors was Irving Soto. I recently saw Mr Soto when I was down South not long ago, in Miami, and we were just talking about Cuevas and how his wife just dragged him out of the country because he had been playing around with so many women and was having her signature forged at real estate closings on some of his houses.

Do not be misled by Oscar's simple appearance. This was always the secret of his success as a salesman with his own people.

I have read the foregoing very carefully and subscribe my signature hereunder.

*** James Stewart ***

Sworn to before me this 3rd
day of September, 1975.

Bishop Charles J. Stephenson

BISHOP CHARLES J. STEPHENSON
Notary Public, State of New York
No. 24-9179600
Qualified in Kings County
Commission Expires March 30, 1976.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA

CR. NO. 74-466

-against-

AFFIDAVIT

ALGIS GALE,

Defendant.
-----x

STATE OF NEW YORK)
COUNTY OF *NASSAU*) SS:

SHELDON SCHNEIDER a/k/a HARRY SCHNEIDER, being duly
sworn, deposes and says:

temporarily
That I/reside at 141-14 116th Avenue, Ozone Park,
New York.

That I am currently in trouble with the U.S. Internal
Revenue Service but am making this statement because after
reading biased newspaper stories, I do not want to see
an innocent man, Algis Gale, convicted of crimes I believe
he did not participate in.

I was a licensed plumber and had several firms in which
I was a partner of Fred Cohn, who was both my lawyer and my
accountant. Cohn cheated me, robbed me and did not keep my
books honestly.

My firms were S & S Contracting Company, S & S Improve-
ment Company, and A & L Contractors. Many sub-contractors or
independent contractors were employed by me and paid by me. There
were no payroll taxes taken out because my accountant Fred Cohn

told me to do it that way.

When in 1969 I moved my offices to 204-206 Jamaica Avenue, Brooklyn, N.Y., I tended to use local workers and tradesmen for speed, efficiency and my own convenience.

One of these local contractors was a Charles Jackson, Jr. who was introduced to me by his mother, Helen Jackson, in 1968 or 1969. Charles Jackson Jr. was very dependable, honest and hard working but not a good decision maker. He worked with me on some projects, supervised my men on others and was given independent jobs by me and by others as well. Charles, Jr. was paid through a variety of individuals or corporations, depending on the job, but was covered by me as his employer whenever he was asked to give an employer on credit applications, car loans, etc. Several times, Charles Jackson, Jr. wanted to buy a house either from Sidney Grossman, Mr. Gale, or others and several times I arranged to give out his employment verifications because he really did work for me and he really did earn about \$10,000.00 to \$12,000.00 per year all totaled.

I have never met a Charles Jackson, Sr. When Charles Jackson, Jr. was called to testify on this Algis Gale case, he tried to contact me but was unable to do so. He felt that he would get me in trouble with the tax authorities I believe, and possibly with the F.B.I. so he probably panicked and tended to deny any association. But as a result, an innocent man got convicted, our former bookkeeper was made to look like a liar, and a haze of mystery was cast over the entire business.

There is no mystery. There is no guilt here. All I know is that Charles Jackson, Jr. worked for me for at least three (3) years; he really earned \$10,000.00 to \$12,000.00 per year or more; he was a good worker and on several occasions he did want to buy various houses for which he asked for employment verifications. I do not know whether he bought the houses or not.

My business was legitimate. I also used the name Adam Taylor on many occasions after I left my first wife because she relentlessly pursued me for our marital problems and finances.

I have read the above very carefully and subscribe my name hereunder.

Sheldon Schneider
Sheldon Schneider

SHELDON SCHNEIDER

Sworn to before me this

21st day of August, 1975.

Harriet Naks

Notary Public, State of New York
No. 24-5901425

Qualified in Kings County
Commission Expires March 30, 1976

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CR. NO. 74-466

UNITED STATES OF AMERICA

-against-

ALGIS GALE

AFFIDAVIT

Defendant.

STATE OF NEW YORK)
COUNTY OF KINGS)SS

COLLINS SMITH being duly sworn deposes and says:

That I reside at 428 Sheffield Avenue Brooklyn, N.Y..

That during the period 1968-72 during which time I worked for Las Antillas Motors at 1605-1606 Bushwick Ave nue. Brooklyn, N.Y., as I have previously stated in my prior affidavit, Frank Mathis used to come around to the lot to speak with Oscar Cuevas with regard to work he wanted Oscar to do for him on buildings he owned or managed for a Sidney Grossman or a Lowell Weinerman on Rutland Road. On at least 2 or 3 occasions, Mathis had Mr. Grossman with him in his black Cadillac and introduced him to me at the lot. Oscar had told all of us at the lot on a number of occasions, that he wanted to buy a number of rent producing buildings near the car lot for little cash, but that his wife should not know about it because he could bring his many girl freinds to his buildings to visit with him. He had told me that his friend Frank Mathis could help him work his purchases for him without the owners even knowing what was going on. Cuevas always used to bragg to us at the lot that even though he eaurned over \$200.00 per week, he never filed taxes and he was going to acquire "Lots of houses with Frankie".

I have read the foregoing very carefully and subscribe
my signature hereunder.

Collier Smith

Sworn to before me this
2 day of September, 1975.

SV

ROBERT S. WIGAN
Notary Public, State of New York
No. 00401073
Commission Expires January 1, 1977
City and County of New York
Commission Expires January 1, 1977

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA,

CR. NO. 74-466

-against-

AFFIDAVIT

ALGIS GALE,

Defendant.
-----x

STATE OF NEW YORK)
) SS:
COUNTY OF **KINGS**)

IRVING SOTO, being duly sworn, deposes and says:

That I reside at 31 Palmetto Drive, Coral Gables,
Florida.

From 1967 until 1973, I was part-owner and managing
director of Las Antillas Motors, Inc. at 1605-1606 Bushwick
Avenue, Brooklyn, New York along with Nelson Criado and
Miguel Javier.

During this period, we had numerous employees, including
Collins Smith, John Drake, Jimmy Stewart, Miguel Criado, Moses
Armstrong, Oscar Cuevas (Calderone) plus many more who came and
went.

For at least 2-1/2 or 3 years, we employed Oscar Cuevas
as our prime salesman and mechanic involving the sale of recondi-
tioned cars to taxi and fleet owners in Puerto Rico and the
Dominican Republic. He had a native simplicity and sincerity which
the Puerto Rican and Dominican people could believe and trust.

He was very effective and we used him to good advantage advancing his salary or "draw" from \$100.00 per week in 1969 to over \$250.00 per week in 1972.

The firm, Las Antillas Motors, used to treat all of their employees, including the owners, as independent contractors who received regular weekly salaries without deductions. In addition, we would pay the expenses of our employees when they had to entertain prospective buyers or transport cars to Puerto Rico, the US Virgin Islands, or the Dominican Republic. Oscar Cuevas traveled to the Caribbean many times for us at company expense and it was only after we found out all the money he was spending on outside activities that we had to fire Oscar Cuevas.

My partner, Nelson Criado, even helped Mr. Cuevas to the extent of letting Oscar live in Criado's own house at 68 DeSalles Place in Brooklyn, practically rent free so that Cuevas could look in at the car lot and showroom during the night to see that our watchmen who were employed jointly by us and by Evergreen Motors (Luis Berrios) were on the job. 68 DeSalles Place was directly around the corner from the car lot right off Bushwick Avenue.

Finally, complaints from our contacts in Puerto Rico and Mrs. Cuevas forced us to fire Cuevas.

I personally paid Mr. Cuevas in cash every Saturday morning and he worked for Las Antillas Motors for about three (3) years.

I have read the foregoing very carefully and
subscribe my name hereunder.

Irving Soto

IRVING SOTO

Sworn to before me this

20 day of August, 1975.

[Signature]

RODRIGO S. VIEIRA
Notary Public, State of New York
No. 40,000,000
Qualified in New York County
City and County of New York
Commission Expires March 10, 1977

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CR. NO. 74-466

UNITED STATES OF AMERICA

-against-

ALGIS GALE,

Defendant .

AFFIDAVIT

STATE OF NEW YORK }
COUNTY OF KINGS } SS

SYLVESTER ROWE, being duly sworn, deposes and says:

That I reside at 242 E. 51st St. Brooklyn, N.Y..

Last week I received a telephone call from Sidney Grossman, a lawyer on Long Island who told me that it was very important for me to see his friend and associate Frank Mathis and that Mr. Mathis would be contacting me in the next day or two. Sur enough, Saturday morning, August 16th, Frank Mathis calls me, very nervous, and says he must see me quickly! We met Sunday night at which time Mathis, for no reason, bought me a nice dinner at a fancy Italian Restaurant in Richmond Hill. Mathis again told me again how important it was to keep his boss, Mr. Grossman, out of the Muskelly deal. But then he went much further and asked me if I had been speaking with Vincent Buscemi, a lawyer on Atlantic Avenue and if he had mentioned Ed James or Floyd Surratt to me because Mr. Buscemi had represented Mathis at a contract signing as Floyd Surratt for one of Sidney Grossman's houses and another one as Ed Surratt and Mr. Grossman wanted those contracts back without Mr. Buscemi becoming suspicious. Mathis admitted meeting Mr. Buscemi through Otha Wray Muskelly, Jr. and had set up several Grossman deals through Mr. Buscemi without Mr. Buscemi knowing what was going on and he did not want Mr. Buscemi to become suspicious.

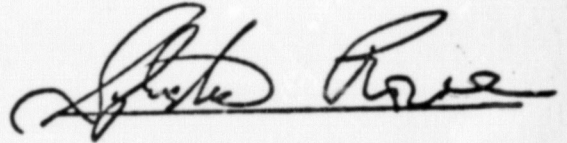
I listened, but told him to get out and leave me alone. Frank

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Frank Mathis the con man left very quickly, looking both scared and surprized and simply said "But we thought we could count on you".

I am not doing any more favors for anyone.

I have read the foregoing very carefully and subscribe my name hereunder.



Sworn to before me this
21st day of August, 1975.

Kenneth Benson

KENNETH BENSON
Notary Public, State of New York
No. 24-4611963 Qual. in Kings Co.
Commission Expires March 20, 1977

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK x

UNITED STATES OF AMERICA

-against-

ALGIS GALE,

Defendant.

State of New York ss

County of Queens

CR. NO. 74-466

AFFIDAVIT

I, Ruby White, residing at 147-16 116th Avenue Ozone Park, New York depose and say that when I testified at the recent trial of The United States vs Algis Gale I was very weak and tired on the witness stand because of my pregnancy and anemia and was unable to complete my statement.

I had occasion to give many checks from Mr. Gale, Mr. Ushkow and from Mr. Sidney Grossman to Charles Jackson Jr. who would come to our office frequently to collect money for S & S Construction Company when Mr. Schneider or Mr. Centeno were unable to come themselves. On one or two occasions I personally delivered checks to Mr. Jackson Jr. right in the offices of S & S at 204 Jamaica Avenue Brooklyn, N.Y. on my way home. Mr. Jackson is a very tall young man and he would be in the back office with his big feet up on the junk piles of plumbing supplies and pipes working on some kind of figures or plans. His mother, Helen Jackson, was with him on at least one occasion as she frequently was when Charles Jr. would come to our office. I know Mrs. Jackson very well and she has done extensive work on my own house after I had met the Jackson's through Mr. Gale and Mr. Ushkow. Mr. Jackson Sr. was never with them Mrs. Jackson worked under the name of Jay & Jay Contracting Co..

Frank Mathis was known to me as the "Collection Man" for Sidney Grossman who was his boss and got a share of all profits.

Sworn to before me this
13 day of August, 1975.

W. J. Baker

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Mr. Ruby White

Notary Public, State of New York
Qualified in Queens County # 24-6296955 Commission expires 3/30/77

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

CR. NO. 74-466

-against-

AFFIDAVIT

ALGIS GALE,

Defendant.

STATE OF NEW YORK)
COUNTY OF NASSAU) SS:

CHARLES JACKSON, JR., being duly sworn, deposes
and says:

That I reside at 331B 68th St., Arverne, New York.

That during the period 1970-72, I did work for Jay & Jay
Contractors, for
myself, and for a number of other contractors. One of the
contractors I worked for was Sheldon Scheider, a/k/a/
Harry Scheider, who had a black patch over one eye and who
had his offices at Jamaica Avenue. Frequently, I would have
occasion to be in his office or to get instructions from him.
Since I usually got paid in cash, as I have previously stated,
I did not know from what source or from what corporation my
funds came.

Sometimes I worked with Larry Patterson, the electrician,
sometimes Pablo Centro, sometimes others.

Payment would be made to me by my mother, Mr. Gale,
Mr. Gale's secretary, Schneider, or others too numerous to mention.

C. J. J.

It was a very loose arrangement but continued so for a number of years until I later went to work for Kolsman Instrument Company and later, the City of New York. However, I continued to do contracting work and am still so engaged.

I have read the foregoing very carefully and subscribe my name hereunder.

Charles Jackson Jr
CHARLES JACKSON, JR.

Sworn to before me this
20th day of August, 1975.

James N. Grace

JAMES N. GRACE
NOTARY PUBLIC, State of New York
No. 52-6616925
Qualified in Suffolk County
Term Expires March 30, 1976

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA

CR. NO. 74-466

-against-

AFFIDAVIT

ALGIS GALE,

Defendant.
-----x

STATE OF NEW YORK)
) SS:
COUNTY OF Nassau)

HELEN JACKSON, being duly sworn, deposes and says:

That I reside at 331B 68th Street, Arverne, New York.

That my husband, my son and I have known Algis Gale for about ten (10) years. During that time, my firm, Jay and Jay Contractors, has done extensive construction work for Mr. Gale and for various of his associates and business acquaintances over the years. My son Charles, Jr. has also worked for Mr. Gale and some of his associates independently. The payments for these many jobs came from individuals, other contractors, and a multitude of corporations. Sometimes we were paid by Mr. Gale, sometimes by Sidney Grossman, Shelly Schneider, Norman Ushkow, Sam Stahlburg, Donald Rosenberg, Jack Mayer, Lowell Weinerman, Frank Mathis, Irving Roider, Mike Javier the car dealer, welfare checks and by other means. Sometimes we would do the work, rent the apartments, and collect the rents or security payments. Most of our jobs were in Brooklyn, some in Queens, and a very few on Long Island, especially for Sidney Grossman.

Either Sidney Grossman, or Algis Gale, had introduced me to Frank Mathis and my family and I had been to his house on 11th

Avenue in Stl Albans where he lived with his wife, Emily. Frank had a brother James living in one of Sidney Grossman's houses on B46th Street in Far Rockaway and his brother used to do work for Frank Mathis. Later, when Mathis moved into a house controlled by Sidney Grossman, two blocks away from me on B70th Street in Arverne, I found out he was known there as Edward Surratt. I was later told by Mr. Gale that Mathis had taken title to another one of Mr. Grossman's houses in Suffolk County under the name of James Surratt. Sheldon Scheider had told me that Mathis also used the name of Constantino.

During this period around 1970-72, Mathis used to brag that Sidney Grossman would back him up in anything he did, and that he always associated with the "big shots". He kept confidential files including credit numbers on a number of people with whom he associated, including Mr. Gale.

After one argument or disagreement, Mathis had told me that he was going to "get Mr. Gale" even if he had to, "lie my teeth out". Mathis had a floor cleaning company called Hy Gloss Cleaners, a restaurant on Main Street in East Rockaway, a contracting company, collected rents and mortgages and managed and rented out various buildings for himself, Mr. Gale, Mr. Grossman, Mr. Ushkow, Mr. Schneider and others. In other words, Mathis was a wheeler dealer and an active participant in a number of business and real estate ventures.

During this time, we also worked for and with a number of contractors some of whom I got to know very well. We formed a very close relationship with Sheldon or "Harry" Schneider who had

his offices at 204 Jamaica Avenue in Brooklyn. I, and Charles, Jr., used to be constantly in and out of Schneider's office at 204 Jamaica Avenue, especially while we were working at 193 and 195 Jamaica Avenue, and Charles, Jr. was working with Schneider. We also worked with Schneider at 437 Shepherd Avenue, 516 Monroe Street, 65 and 67 Stewart Street, 90 and 96 Vanderveer Street, and many other jobs too numerous to mention. Schneider worked for me at the house I purchased from Sidney Grossman at 36-18 Beach Channel Drive in Far Rockaway and spent considerable time in my own home.

Shelly Schneider a/k/a "Harry" Schneider was very distinguishable because he had a black patch over one eye, red curly hair, a red beard, and was stocky. He had left his wife in Yonkers and his office in the Bronx and opened up at 204 Jamaica Avenue, Brooklyn in 1969 and adopted a young negro girl as his wife. They were a very distinguishable pair and his new wife would usually act as receptionist at the Schneider Improvement Company office on Jamaica Avenue. Through his affiliations with Fred Cohn and others, Schneiderrused other trade names as well.

While we were doing a lot of work on various buildings around Bushwick Avenue, I had gotten to know Fat Mike Javier, the car dealer, who had a car showroom on Bushwick Avenue at the corner of Stewart Street. He introduced us to various Spanish speaking workmen, prospective tenants and buyers and generally passed a great deal of time with us. One of his salesmen he had introduced us to, was a thin fellow who was his car export specialist to Puerto Rico and the Dominican Republic. His name was Oscar Cuevas.

I have read the foregoing very carefully and subscribe
my name hereunder.

Helen Jackson
HELEN JACKSON

Sworn to before me this

^{19th} day of August, 1975.

James N. Grace

JAMES N. GRACE
NOTARY PUBLIC
No. 52114
Qualified to perform
Extraordinary Duties

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

UNITED STATES OF AMERICA

CR. NO. 74-466

-against-

AFFIDAVIT

ALGIS GALE,

Defendant.

-----x

STATE OF NEW YORK)
COUNTY OF NASSAU) SS:

HELEN JACKSON, being duly sworn, deposes and says:

That I reside at 331 B 68th Street, Arverne, New York.

That my husband, my son and I have known Algis Gale for about ten (10) years. During that time, my firm, Jay and Jay Construction has done extensive construction work for Mr. Gale and for various of his associates and business acquaintances over the years. My son, Charles Jr., has also worked for Mr. Gale and some of his associates. The payments for these many jobs came from individuals or other contractors and corporations. Sometimes we were paid by Mr. Gale, sometimes by Sidney Grossman, Norman Ushkow, Donald Rosenberg. Sheldon Schneider did work for me. Sometimes we would do the work, rent the apartments, and collect the rents or security payments. Most of our jobs were in Brooklyn, some in Queens, and two on Long Island for Sidney Grossman.

Mr. Gale had introduced me to Frank Mathis and my husband and I had been to Frank Mathis' house on 111th Avenue in St. Albans where he lived with his wife, Emily. Frank had a brother James living

in one of Sidney Grossman's houses on B 46th Street in Far Rockaway and his brother used to work for Frank Mathis. Later when Frank Mathis moved into a house controlled by Sidney Grossman two blocks away from me on B 70th Street in Arverne, I found out he was known there as Edward Surratt.

I believe Frank Mathis had a floor cleaning company called Hy-Gloss Cleaners, a restaurant on Main Street in East Rockaway, a contracting company, collected rents and mortgages and managed and rented out various buildings for himself, Mr. Gale, Mr. Grossman, Mr. Ushkow and others. In other words, Frank Mathis did participate in a number of business and real estate ventures.

During this time, we also worked for and with a number of contractors, some of whom I got to know very well. We formed a business relationship with Sheldon or "Harry" Schneider who had his offices at 204 Jamaica Avenue in Brooklyn. I and Charles Jr. used to be in and out of Schneider's office at 204 Jamaica Avenue, Brooklyn, New York, especially while we were working at 193 and 195 Jamaica Avenue.

We also worked with Schneider at 437 Shepherd Avenue, 516 Monroe Street, 65 and 67 Stewart Street, 90 and 96 Vanderveer Street, and other jobs.

Schneider worked for me at the house I purchased from Sidney Grossman and Mr. Gale at 36-18 Rockaway Beach Blvd. in Far Rockaway. Schneider also spent time in my own home regarding business.

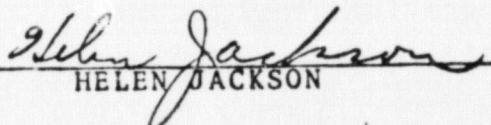
Shelly Schneider a/k/a "Harry" Schneider was very distinguishable because he had a black patch over one eye, red curly hair, a red beard, and was stocky. He had left his wife in Yonkers and his

office in the Bronx and opened up at 204 Jamaica Avenue, Brooklyn, New York, in 1969 and introduced a young negro girl as his wife. They were a very distinguishable pair and his wife (new wife) would usually act as receptionist at the Schneider Improvement Company, and the S & S Construction Company, office at 204 Jamaica Avenue. That is the only office that I knew he had.

While we were doing a lot of work on various buildings around Bushwick Avenue, I had gotten to know Mike Javier, the car dealer, who had a car showroom on Bushwick Avenue at the corner of Stewart Street. Mike introduced us to various Spanish speaking workmen. One of his valued salesmen that Mike had introduced us to was a thin Indian like fellow who was helping them export cars to Puerto Rico.

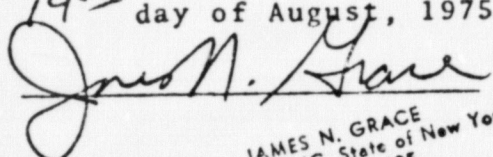
As busy as he was, I don't see how Mr. Gale could have controlled the actions of all of the parties involved.

I have read the foregoing very carefully and subscribe my name hereunder.


HELEN JACKSON

Sworn to before me this

19th day of August, 1975.


JAMES N. GRACE
NOTARY PUBLIC, State of New York
No. 52-6616925
Qualified in Suffolk County
Term Expires March 30, 1976

(2)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CR. NO. 74-466

UNITED STATES OF AMERICA

-against-

AFFIDAVIT

ALGIS GALE,

----- Defendant -----

STATE OF NEW YORK)

SS

COUNTY OF QUEENS)

HELEN JACKSON, being duly sworn, deposes and says:

That I reside at 331 B 68th Street Arverne, New York.

During my period of acquaintance with Frank Mathis my husband and I were impressed with his ideas and plans. We were both of the opinion that he was and is a very intelligent man who knows how to underplay his roles for advantage and knows how to use other people. He was also trying to impress upon us that he was well connected and that he worked with lawyers such as Sidney Grossman who, Mathis led us to believe, would protect and guide him in times of crisis.

In my recollection on the Algis Gale case, I also wish to point out that the Federal Investigators assigned to this case, especially Dennis Lacina, appeared to have a strong personal bias against Mr. Gale. This is not the way to see justice performed.

There were always many, many people working with Mr. Gale. He did not have the resources nor the facilities to alone buy, mortgage, reburish, sell, refinance and close a piece of property. The money lenders like Sidney Grossman and the mortgage lenders like Lowell Weinerman controlled each deal and reaped the profits, from my own experience.

Mr. Gale never, to my knowledge, set up any job verification

for anyone. He did, however, know the F.H.A. and V.A. requirements since it was his business to be familiar with them, and would communicate this knowledge to those working with him in the same business. Many people ^{working with Mr. Gale} such as ~~Frank Mathis~~ ^{own} who ~~were~~ ^{was} imaginative, would then form their devices.

H.J. As much as my family and I do not like being involved in this case, we do not believe that it was Algis Gale ^{alone} who involved us, but a combination of other forces and people already known to the Federal Prosecutor.

I have read the foregoing very carefully and subscribe my name hereunder.

Helen Jackson

Sworn to before me this
27 day of August, 1975.

Fluence Red
Notary Public
My Comm. Expires 12-31-1976
Qualified in Union County
Charleston, South Carolina 29405

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

CR. NO. 74-466

-against-

AFFIDAVIT

ALCIS GALE,

Defendant.

STATE OF NEW YORK)
COUNTY OF *Queens*) SS:

COLLINS SMITH, being duly sworn, deposes and says:

I reside at 428 Sheffield Avenue, Brooklyn, New York.

From February, 1969 until December, 1972, I worked directly under Miguel Javier as a salesman and part-time mechanic for Los Antillos Motors at 1605-1606 Bushwick Avenue, Brooklyn, New York, during which years I earned between \$8,000.00 to \$15,000.00 a year, and had a very close association with another salesman-mechanic, Guillermo Oscar Cuevas, a/k/a Calderone, Rodriguez etc., and throughout this entire period except when I took a leave of absence from April, 1969 until May, 1970, I worked directly with Oscar Cuevas in renovating and selling cars to fleet owners in Puerto Rico. During Oscar's frequent business trips to Puerto Rico, he would frequently be away for days or even weeks at a time. Sometimes I went with *Nelson* Criado or Cuevas to make bank deposits at either the Banco de Ponce or the Bankers Trust Company.

During much of this time, Oscar was living in Nelson Criado's house at 68 DeSalles Place, Brooklyn, New York and also used other addresses, where his wife was receiving welfare payments under her maiden name.

I know for a fact that some of the cars on the Los Antillos lot including a 1968 Oldsmobile, a 1964 red Chevrolet, a 1968 Mustang, and others were owned by Oscar Cuevas personally through his involvement with Los Antillos Motors. One of these cars, the red 1964 Chevrolet sedan was sold by me for Cuevas who signed the transfer form for Los Antillos Motors. During these years, checks or dealer registrations were signed either by Miguel Javier, Nelson Criado or Oscar Cuevas.

Oscar Cuevas himself paid the men on his own staff who were primarily responsible for reconditioning and selling the fleet cars to Puerto Rico. One of the men on Cuevas' staff was John Drake and another was a Jimmy Stewart who was with Los Antillos during most of the 1969-72 period and at that time lived on Liberty Avenue near Vermont Street, Brooklyn, New York.

While I earned between \$8,000.00 and \$15,000.00 per year, I knew for a fact that Oscar Cuevas was earning more money, through observation and through Oscar's own admission.

One incident I remember is that Cuevas tried to steal one of my Spanish speaking customers. There was a shoving match at which time Cuevas pushed me aside. I belted Cuevas and sent him flying across the hood of a 1969 red Cougar which was in the

middle of the showroom floor at Los Antillos Motors at
1606 Bushwick Avenue.

I have read the above very carefully and subscribe
myname hereunder.

S/
COLLYNS LATH

Sworn to before me this

7 day of Aug. 1975.

S/

Robert Kaufman
Notary Public, State of N.Y.
No. 41-7183001
Qual. in Queens County
Comm. Exp. 3/30/76

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

CR. NO. 74-466

-against-

AFFIDAVIT

ALCIS GALE,

Defendant.

STATE OF NEW YORK)
COUNTY of Queens)SS:

JOHNNY DRAKE, being duly sworn, deposes and says:

I reside at 563 Ashford Street, Brooklyn, New York.

From 1969 until 1970 I worked as both a car salesman, mechanic and security guard for Los Antillos Motors at 1605-1606 Bushwick Avenue, Brooklyn, N.Y. and during that period never saw or heard of Mr. Gale.

The owners and managers of the business were Nelson Criado, Miguel Javier and Mr. Soto. During this period, Oscar Cuevas, a/k/a Calderone, a/k/a Rodriguez, was working as a salesman and mechanic, largely involved with repairing and reconditioning the cars for export to Puerto Rico.

After I got a more permanent job, ^{he} would come back to Los Antillos Motors to visit with his friends and former associates.

In 1971, I had occasion to buy a car, a 1964 Buick Riviera which Oscar Cuevas was then using as a company car and sold to me directly from Los Antillos Motors.

During my period of employment and afterwards, I always knew Oscar Cuevas as a salesman, mechanic and export specialist instrumental in reconditioning cars for export to Puerto Rico.

During my period of employment, I worked directly with and under Oscar Cuevas.

Las Antillas Motors, Inc. always paid all of their employees in cash and treated them as independent contractors for tax purposes.

I always received my weekly salary every Saturday morning either from Nelson Criado, Miguel Javier, or Oscar Cuevas.

I have read the above very carefully and subscribe my name hereunder.

5/
JOHNNY DRAKE

Sworn to before me this
9th day of August 1975.

5/
Robert Kaufman
Notary Pub, St. of N.Y.
No. 41-7183001
Qual. in Queens Co.
Comm Exp. 3/20/76

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA

CR. NO. 74-466

-against-

AFFIDAVIT

ALGIS GALE,

Defendant.
-----x

STATE OF NEW YORK)
COUNTY OF Kings)SS:

SYLVESTER ROWE, being duly sworn, deposes and says:

When Frank Mathis came by to pick me up for the 668 Halsey Street closing with a very sick Otha Wray Muskelly, Jr. in his black Cadillac, Mathis told me that his boss had asked him to make sure that the matter closed because the "bank commitment" was running out in two or three days. Otha was almost delirious and unable to talk and we dropped him off someplace on our way to Hempstead or Levittown.

It was only after I testified in this case that Mathis called me again and thanked me for keeping his boss out of this case. I asked him what he meant, and wasn't Mr. Gale his boss?

Mathis said, "Hell no!" Sidney, or Mr. Grossman, wanted to get back the money he had loaned Gale on a partnership arrangement to renovate and restore Muskelly's house on Halsey Street. Unless it closed, he said, Grossman was afraid he would lose his money, or so he implied.

I thought I was doing a favor for Mr. Gale who has given me many jobs and has been considerate. I would not have done the same favor for Mr. Grossman whom I also know and have tried to borrow money from, but Grossman's associates have never appeared too respectable to me.

I have read the above very carefully and subscribe my name hereunder.

S/
SILVERSTEIN HONE

Sworn to before me this

7th day of Aug., 1975.

S/
Sheldon Sigalov
Notary Public, State of New York
No. 24-3662905
Qual. in Kings County
Comm. Exp. March 30, 1977

ALGIE GALE,

Defendant.

AFFIDAVIT

State of New York }
County of Kings } SS

ROSITA MINIER residing at 953 Clemenore Ave. Brooklyn, N.Y. deposes and says that in 1968 I met Guillermo "Oscar" Cuevas and used to meet him at his place of employment at Las Antillas Motors at 1006 Bushwick Avenue Brooklyn, N.Y. and go out with him frequently. Oscar was a car salesman or something like that. I know that Saturdays Oscar would have a lot of cash on hand to give to men with and on Saturdays he would spend a lot of money on the bar but we would always have fun. I had met Oscar's bosses Mike Javier and a Mr. Nelson with a big black mustach - they called him the "Cypsy".

Q.M. Once around 1971, Oscar was buying a house in Brooklyn and he was very anxious to go through with the deal. His wife Rosa either did not want the house or was away in Puerto Rico, and Oscar in his romantic asked me to represent his wife at the closing. I went to some mortgage company in Manhattan and Oscar was very pleased to take title to "his own house". *LATER his wife Rosa*

Oscar Cuevas always had a very good position at the car business because the company used to frequently pay for his business trips to Puerto Rico and he used to drive various company cars while in New York which he used to enjoy fixing himself, since Oscar was very good mechanic.

State of New York
County of Kings

Sworn to before me this
day of August, 1973.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

CR NO. 74-466

-against-

AFFIDAVIT

ALGER CALE,

Defendant.

STATE OF NEW YORK
COUNTY OF *Queens* 100:

PHIL POWELL, being duly sworn, deposes and says:

I reside at 33 Rockaway Ave., Brooklyn, New York.

That I worked for and with Sheldon, a/k/a Harry Scheider
and S & S Improvement Company from 1969 until 1972.

During those times, I (as K & K Boiler Co.) would
frequently get paid as K & K Boiler Company and would sub-contract
S & S for him. On other occasions, S & S would sub-contract me
for necessary work and pay me or K & K Boiler Company out of its
earnings.

I frequently needed a special assistant for my heavier
plumbing installations, someone I could rely on, and Charles Jackson,
Jr. was the man who was always sent by Mr. Schneider or Mr. Centere
of S & S to work with me.

There were a number of separate occasions when I contracted
Charles Jackson, Jr. to work for me independently and I paid him
independently of S & S.

I also did work for Charles Jackson, Sr. and Helen Jackson on a number of occasions including their house at 36-16 Beach Channel Drive, which they bought from Sidney Grossman. Mrs. Jackson would always tell me that it used to be Mr. Sidney Grossman's house.

I have read the above very carefully and subscribe my name hereunder.

S/
PHIL POWELL

Sworn to before me this

9th day of August, 1975.

S/
Robert Kaufman
Notary Public, St. of N.Y.
No. 41-7183001
Qual. in Queens Co.
Comm. Exp. 3/30/76

Union, New York 11208

212 647-4522

TO WHOM IT MAY CONCERN:

Re: CHARLES JACKSON, Jr.

This letter is intended to recommend very highly my most experienced man who has supervised on many of my jobs, has purchased my material, cashed my checks and those of the firm and in every way has proven to be energetic and completely trustworthy.

I have been paying Mr. Jackson up to \$300.00 per week when he is on a job. However, as I do more and more outside large scale plumbing installations for the City and others, my plumbers have to be licensed and Charles Jackson Jr. is not a licensed man, although he is very good with the men.

While I continue to use Mr. Jackson, he is going to be seeking something more permanent and steady and will want outside jobs with you. I highly recommend him.

S & S Plumbing Co., Inc.

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Allen King

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

CR. NO. 74-466

-against-

AFRIDAVID

ALGYS GALE,

Defendant.

STATE OF NEW YORK)

)SS:

COUNTY OF QUEENS)

ALFONZO GORDON, being duly sworn, deposes and says:

I reside at 89-04 206th Street, Hollis, New York.

That in the process of reviewing the papers and documents recently moved from my former office at 211-17 Jamaica Avenue, Queens Village, New York, I came across an authorization letter from Schneider of S & S Construction Company at 304 Jamaica Ave., Brooklyn, New York requesting me to do a cash disbursements journal for S & S Construction Company. The letter also reminded me that the accountant for the S & S Improvement Company, the parent corporation, was probably Fred Cohn, and that he was the one who I believe was responsible for taxes and financial reports for Schneider.

I also reaffirm my statement that the man I met at 261-15 Linden Blvd., St. Albans, New York in June of this year was Charles Jackson Jr. while in the presence of Charles Jackson, Sr. his father.

I have read the foregoing very carefully and subscribe
my name hereunder.

S/
ALFONSO GORDON

Sworn to before me this

11th day of August, 1975.

S/ Rony Kessler
Notary Pub., St. of N.Y.
No. 41-2101245
Qual. in Queens Co.
Comm. Exp. 3/20/77

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA,

CR. NO. 74-466

-against-

AFFIDAVIT

ALCIS GALE,

Defendant.
-----x

STATE OF NEW YORK)
COUNTY OF *Albany*) SS:

I, NORMAN USHKOW, do hereby depose and say:

That approximately three years ago, I was introduced to a man by the name of Suratt who wanted to negotiate a sale for a house I owned. He was heavy set, Brown, on the stocky side and with a round belly. I met with him twice but the sale never went through.

Subsequently when the issue of his identity possibly being the same as a Frank Mathis came up, I tried to locate Frank Mathis but was unable to.

I was informed that Frank Mathis did some work for Sidney Crossman. Mr. Crossman's description of Frank Mathis to me was almost identical to the person I had met as Suratt. This would suggest a strong possibility that the two individuals are the same.

I was in the insurance business on Broadway, Brooklyn, New York during the late 1960's and dealt with several other car dealers on Bushwick Avenue which was one block away, in the sense that my customers would buy cars from them.

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Las Antillas Motors, was one of the used car dealers
during this period of time on Bushwick Avenue.

I have read the foregoing very carefully and subscribe
my name hereunder.

51
NORMAN GREENOW

Sworn to before me this

11th day of August, 1975.

51
James H. Grace
Notary Pub, St. of N.Y.

No. 52-6616925

Qual. in Suff. County
Term Exp. 3/30/76

STATE OF NEW YORK } SS
COUNTY OF KINGS }

I, OTHA WRAY MUSKELLY JR.

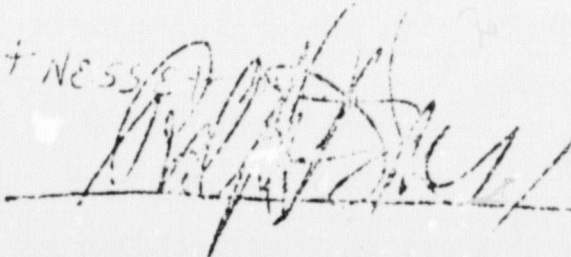
BEING OF SANE MIND do depose and say That

I WAS INDUCED TO buy A HOUSE AND LAND
CLOSINGS WITH FRANK MATHEIS WHO I KNOW

HIS BROTHER JIM M. THE ADDRESS OF THE HOUSE
WAS 147 HALSEY ST BRKLYN, N.Y..

NO ONE ELSE WAS RESPONSIBLE.

WITNESSES



VISITORS

PASS 3

DATE AUG 8 1975

WARD 151

Brooklyn, New York 11208
212 547-4522

Nov. 19th, 1969

Universal Business Service, Inc.
103-01 Jamaica Ave.
Hollis, N.Y. 11023

Re: S & S Construction Corp.
704-06 Jamaica Ave.
Brooklyn, N.Y. 11208

Dear Mr. Gordon,

Many times before we have talked and I have put off hiring you to continue to get our books and records together because we were busy moving from the Bronx and because of my personal problems as well as financial pressures, as you know.

At this time, as per your request, I hereby authorize you to proceed with putting together a Cash Receipt and Disbursement Journal for S&S Construction Corp. which handles our outside contracting contracts.

Taxes and financial statements will continue to be handled by our regular accountant and lawyer, Fred Cohn, as we discussed previously.

If you have any questions, please feel free to contact me or Mr. Cohn.

Very truly yours,

Harry Schick

Enc. #100

cc: Fred Cohn

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LAS ANTILLAS MOTORS
(^{old} Letterhead with Telephone #)

12 4 71

O. Cuevas

Your salary increased
to \$250 from \$200 1/1/72.
Keep up the good work.

T. Soto (Signed)

CUEVAS ✓

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA,

-against-

74 CR 466

NOTICE OF APPEAL

ALGIS GALE,

Defendant.
-----x

PLEASE TAKE NOTICE that the above named defendant,
ALGIS GALE, hereby appeals to the United States Court of Appeals
for the Second Circuit from the decision entered on June 7, 1976
denying the defendant's motion for an Order granting the defendant
a new trial.

Dated: June 16, 1976

Yours, etc

ALGIS GALE
Defendant Pro Se
P.O. Box 1000
Leavenworth, Kansas 66046

TO: DAVID G. TRAGER
United States Attorney for
the Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

STANLEY A. TEITLER
Assistant U.S. Attorney

DESCRIP OF PERSON SERVED

AGE

HT

WT

HAIR

COMP

UNITED STATES OF AMERICA,

Plaintiff

gainst

ALGIS GALE,

Defendant

Index No.

Affidavit of Personal Service

STATE OF NEW YORK, COUNTY OF
HAROLD L. GOERLICH

ss.:

being duly sworn,

deposes and says that deponent is not a party o the action, is over 18 years of age and resides at
SYOSSET, NEW YORK

That on the 12th day of August 19 76 at

225 Cadman Plaza East, Brooklyn, New York

deponent served the annexed Appellant's Brief and Appendix

upon

UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK

the attorney for appellee in this action by delivering a true copy thereof to said individual personally. Deponent knew the person so served to be the person mentioned and described in said papers as the attorney for appellee herein,

Duly sworn
Sworn to before me, this

12th

day of August

19 76

[Signature]
Print name beneath signature
HAROLD L. GOERLICH